

REMARKS

The Notice of Non-Compliant Amendment of March 30, 2009 is improper because Applicants made no amendments to the claims in the most recently submitted communication with the Examiner.

Specifically, Applicants filed a Reply to Restriction Requirement on January 21, 2009 in response to the Examiner's Restriction Requirement of December 17, 2008. Per the Examiner's request, Applicants provisionally elected Group II. No amendments were submitted with the Reply.

Therefore, it is improper for the Examiner to issue a Notice of Non-Compliant Amendment, in which he claims that Applicants' "amendments to the claims" caused "the amendment document to be non-compliant," when, in fact, Applicants made no such amendments. See Notice of Non-Complaint Amendment, p. 1.

It appears that the Examiner, in actuality, is attempting to reject claims 69-102. As such, the Examiner must issue a proper Office Action. Applicants request that the Examiner withdraw the Notice of Non-Compliant Amendment.

As a separate matter, Applicants assert that the Examiner has incorrectly restricted the claims. Claims 18-34; 69-85; and 86-102 are analogous method, apparatus and article of manufacture claims. For instance, claim 69 is a referential apparatus claim that recites an apparatus that is capable of performing the method of claim 18. As such, all of these

claims should be restricted into the same group. Thus, Applicants maintain the traverse on the Examiner's restriction requirement.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

Respectfully submitted,

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